

RESOLUTION NO. 20050623-041

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Westheimer Trace, L.P.

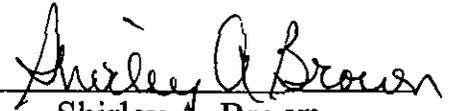
Project: Upper Tannehill - Broadmoor and Cameron Project, a portion of the Austin Clean Water Program

Intended Purpose: temporary ingress and egress easement and temporary staging area and material storage site easement which are necessary to install wastewater lines to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

Location: 1206 East 52nd Street, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:


Shirley A. Brown
City Clerk

Westhelmer Trace, L.P.
Lot 10, CDN Addition No.2, 10/70, T.C.P.R.
To
City of Austin
(for Temporary Ingress and Egress Easement)

FIELD NOTES FOR PARCEL 5007.25 TIAEE

ALL OF THAT CERTAIN 0.014 ACRE (600 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT LOT 10 OF THE CDN ADDITION NO. 2, AS RECORDED IN PLAT BOOK 10, PAGE 70 OF THE TRAVIS COUNTY PLAT RECORDS (T.C.P.R.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found for the northeast corner of that certain tract of land conveyed to Victor and Naomi Schober in Volume 13081, Page 862 of the Real Property Records of Travis County (R.P.R.T.C.), also being on the southerly line of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), said iron rod also being the terminus of the westerly Right-of-Way (R.O.W.) line of Lancaster Street (50' R.O.W.);

Thence, with the south line of said City of Austin tract, North 62 degrees 57 minutes 18 seconds West, a distance of 325.00 feet to a 60-d nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10086112.74, E=3125425.13, for the northeast corner of aforesaid Lot 10, also being the northwest corner of Lot 11 of said CDN Addition No. 2 and being the **POINT OF BEGINNING** of the herein described tract;

Thence, with the east line of said Lot 10 and the west line of said Lot 11, South 27 degrees 12 minutes 24 seconds West, a distance of 10.00 feet to a 60-D nail set;

Thence, through and across said Lot 10, North 62 degrees 57 minutes 18 seconds West, a distance of 60.00 feet to a 60-D nail set on the west line of said Lot 10 and the east line of Lot 9 of said CDN Addition No. 2;

Thence, with the west line of said Lot 10 and the east line of said Lot 9, North 27 degrees 12 minutes 24 seconds East, a distance of 10.00 feet to a 60-D nail set at the northwest corner of said Lot 10;

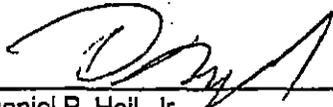
Thence, with the north line of said Lot 10, South 62 degrees 57 minutes 18 seconds East, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.014 acre (600 square feet) of land, more or less.

EXHIBIT "A"

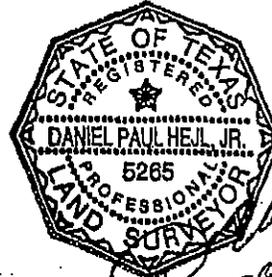
Page 1 of 3

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in August of 2003 under my supervision.

Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: August 22, 2003



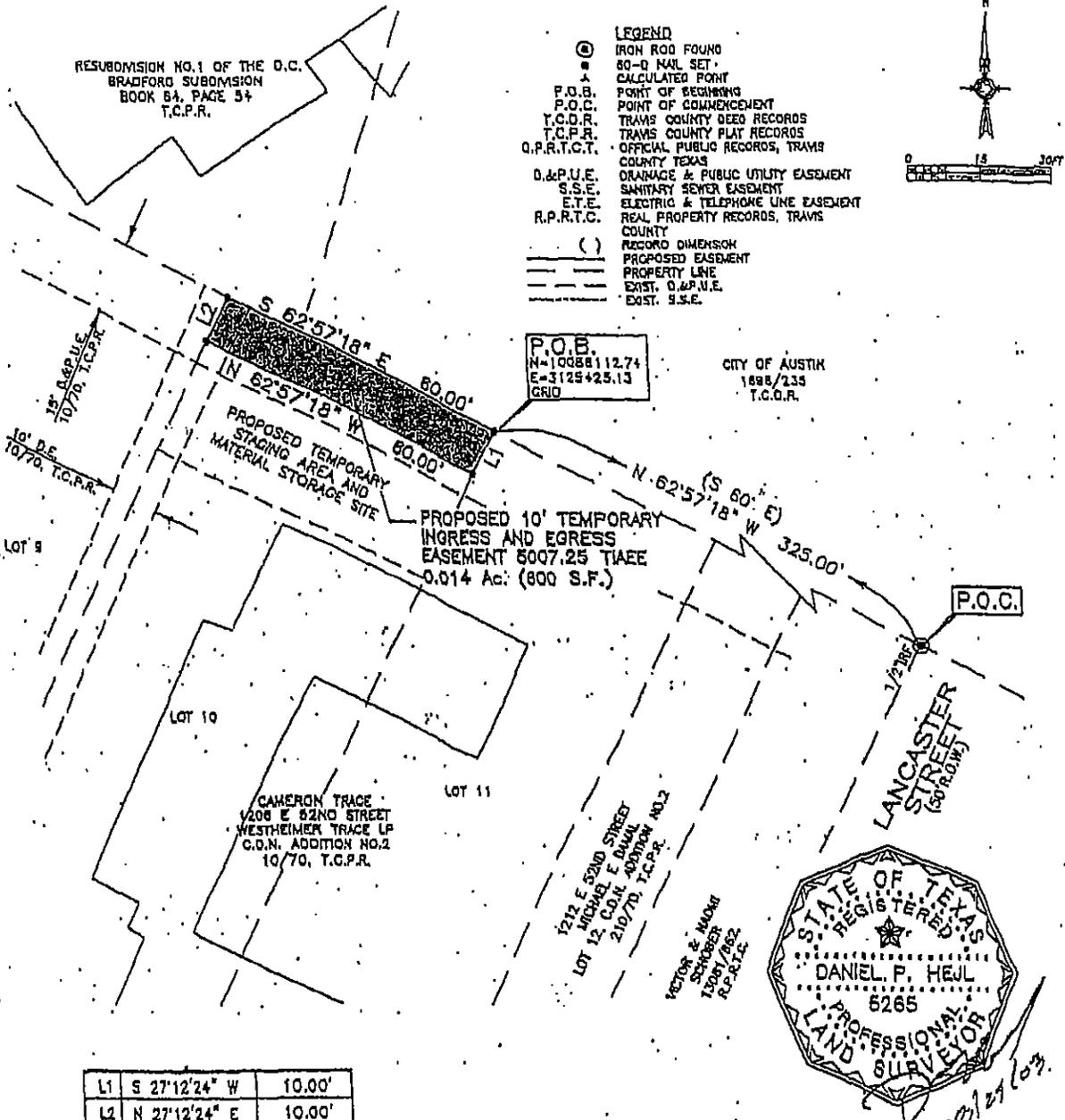
Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of that certain tract of land recorded in the name of Victor & Naomi Schober in volume 13081, page 862 of the Official Public Records of Travis County and the north line of the C.D.N. Addition No.2 as recorded in Book 210, page 70 of the Plat Records of Travis County, having a grid bearing of South 62 degrees 57 minutes 18 seconds East (South 60 degrees East – plat bearing).

FIELD NOTES REVIEWED
By:  Date: 8-26-03
Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.
Ph: (512) 836-2622
August 22, 2003
5007.251aee
TCAD #2221405560000
Map Grid #L26

EXHIBIT "A"
Page 2 of 3

SURVEY OF A PORTION OF C.D.N. ADDN NO.2 OUT OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



L1	S 27°12'24" W	10.00'
L2	N 27°12'24" E	10.00'

BEARING BASIS NOTE:
 THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126478.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

AS SURVEYED BY VARA LAND SURVEYING, INC.

[Signature]
 DANIEL P. HEJL, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
 601 Forley Drive, Austin, Texas 78753
 (512) 858-2923 FAX (512) 538-2275

Westheimer Trace, L.P.
Lot 10, CDN Addition No.2, 10/70, T.C.P.R.
To
City of Austin
(for Temporary Staging Area and Material Storage Site)

FIELD NOTES FOR PARCEL 5007.25 TSAAMSS

ALL OF THAT CERTAIN 0.027 ACRE (1,194 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF LOT 10 OF THE CDN ADDITION NO. 2, AS RECORDED IN PLAT BOOK 10, PAGE 70 OF THE TRAVIS COUNTY PLAT RECORDS (T.C.P.R.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found, for the northeast corner of that certain tract of land conveyed to Victor and Naomi Schober in Volume 13081, Page 862 of the Real Property Records of Travis County (R.P.R.T.C.), also being on the southerly line of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), said iron rod also being the terminus of the westerly Right-of-Way (R.O.W.) line of Lancaster Street (50' R.O.W.);

Thence, with the south line of said City of Austin tract, North 62 degrees 57 minutes 18 seconds West, a distance of 325.00 feet to a 60-d nail set for the northeast corner of aforesaid Lot 10, also being the northwest corner of Lot 11 of said CDN Addition No. 2;

Thence, with the east line of said Lot 10 and the west line of said Lot 11, South 27 degrees 12 minutes 24 seconds West, a distance of 10.00 feet to a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10086103.84, E=3125420.56 for the **POINT OF BEGINNING** of the herein described tract;

Thence, continuing with the east line of said Lot 10 and the west line of said Lot 11, South 27 degrees 12 minutes 24 seconds West, a distance of 16.82 feet to a 60-D nail set;

Thence, through and across said Lot 10 the following three (3) courses and distances;

1. North 62 degrees 57 minutes 18 seconds West, a distance of 37.41 feet to a 60-D nail set;
2. South 27 degrees 12 minutes 24 seconds West, a distance of 8.18 feet to a 60-D nail set;
3. North 62 degrees 57 minutes 18 seconds West, a distance of 22.59 feet to a 60-D nail set on the west line of said Lot 10 and the east line of Lot 9 of said CDN Addition No. 2;

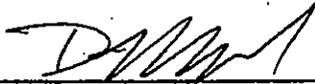
EXHIBIT "B"

Thence, with the west line of said Lot 10 and the east line of said Lot 9, North 27 degrees 12 minutes 24 seconds East, a distance of 25.00 feet to a 60-D nail set;

Thence, through and across said Lot 10, South 62 degrees 57 minutes 18 seconds East, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.027 acre (1,194 square feet) of land, more or less.

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in December of 2003 under my supervision.

Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: December 1, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of that certain tract of land recorded in the name of Victor & Naomi Schober in volume 13081, page 862 of the Official Public Records of Travis County and the north line of the C.D.N. Addition No.2 as recorded in Book 10, page 70 of the Plat Records of Travis County, having a grid bearing of South 62 degrees 57 minutes 18 seconds East (South 60 degrees East – plat bearing).

FIELD NOTES REVIEWED

By: *mhl* Date: 12-3-03

**Austin Clean Water Program
Survey Coordinator**

VARA LAND SURVEYING, INC.
Ph: (512) 836-2622
December 1, 2003
5007.25tsaamss
TCAD #2221405560000
Map Grid #L26

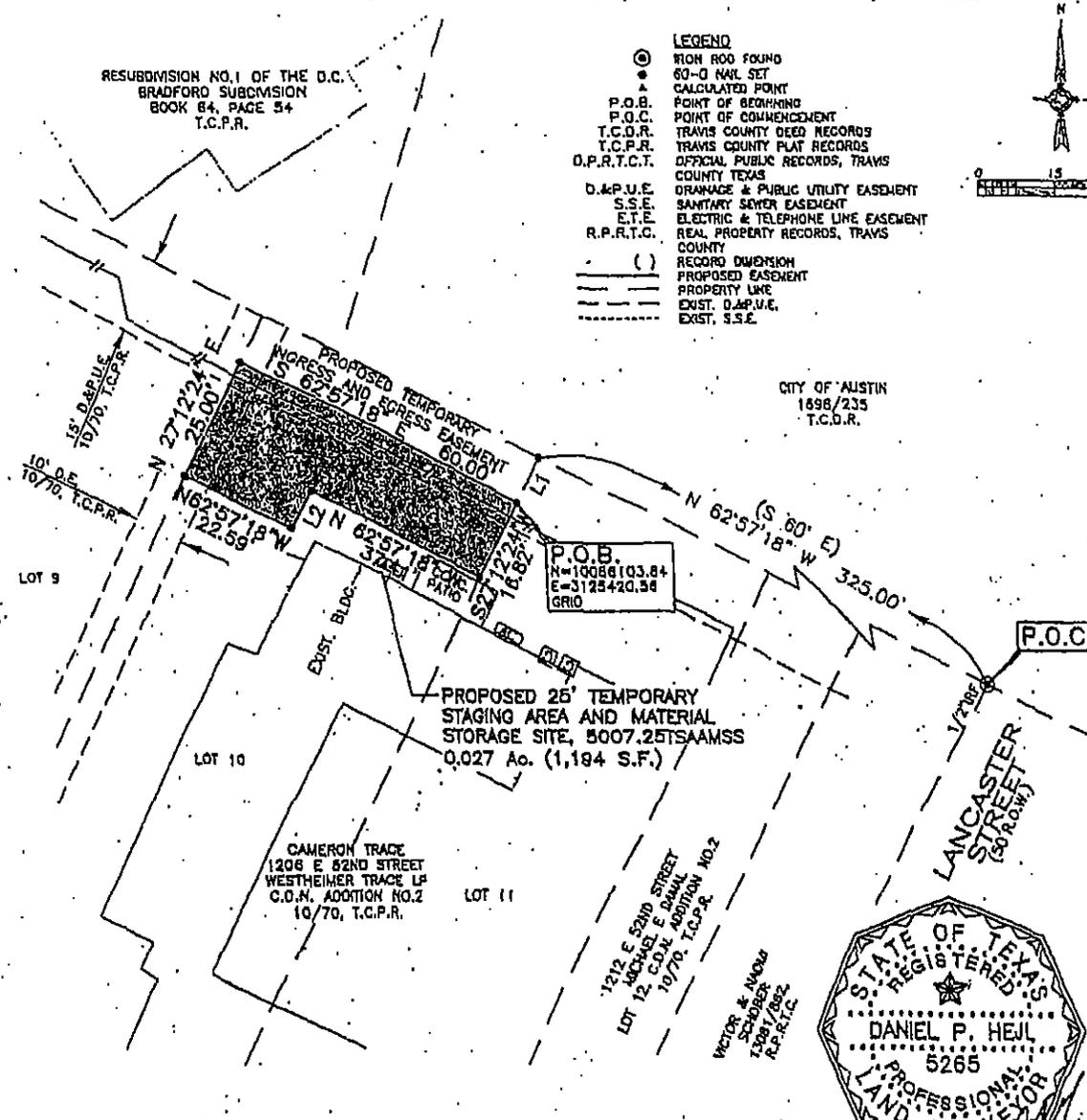
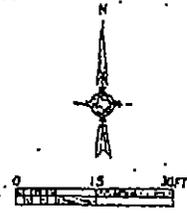
EXHIBIT "B"

Page 2 of 3

SURVEY OF A PORTION OF C.D.N. ADDN NO.2 OUT OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

RESUBDIVISION NO.1 OF THE D.C. BRADFORD SUBDIVISION BOOK 64, PAGE 54 T.C.P.R.

- LEGEND**
- HIGH ROD FOUND
 - 63-0 NAIL SET
 - ▲ CALCULATED POINT
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - T.C.D.R. TRAVIS COUNTY DEED RECORDS
 - T.C.P.R. TRAVIS COUNTY PLAT RECORDS
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS
 - D.&P.U.E. DRAINAGE & PUBLIC UTILITY EASEMENT
 - S.S.E. SANITARY SEWER EASEMENT
 - E.T.E. ELECTRIC & TELEPHONE LINE EASEMENT
 - R.P.R.T.C. REAL PROPERTY RECORDS, TRAVIS COUNTY
 - () RECORD DIMENSION
 - PROPOSED EASEMENT
 - PROPERTY LINE
 - EXIST. D.&P.U.E.
 - EXIST. S.S.E.

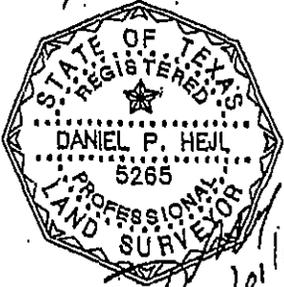


CITY OF AUSTIN
1696/235
T.C.D.R.

P.O.B.
N=10086103.84
E=3125420.98
GRID

PROPOSED 25' TEMPORARY STAGING AREA AND MATERIAL STORAGE SITE, 5007.25TSAAMSS 0.027 Ac. (1,194 S.F.)

CAMERON TRACE
1206 E 82ND STREET
WESTHEIMER TRACE LP
C.D.N. ADDITION NO.2
10/70, T.C.P.R.



L1	S 27°12'24" W	10.00'
L2	S 27°12'24" W	6.16'

BEARING BASIS NOTE:
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126478.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

AS SURVEYED BY
VARA LAND SURVEYING, INC.

D.P. Heil, Jr.
DANIEL P. HEIL, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
601 Farley Drive, Austin, Texas 78753
(512) 636-2622 FAX (512) 636-0273